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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,129	01/29/2001	Juha Tuomo Tervo	473-010116-US(PAR)	9569

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EXAMINER

PEREZ GUTIERREZ, RAFAEL

ART UNIT	PAPER NUMBER
2686	10

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/772,129

Applicant(s)

Tervo et al.

Examiner

Rafael Perez-Gutierrez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This Action is in response to Applicant's amendment filed on March 17, 2004.

Claims 2-18 are now pending in the present application. **This Action is made FINAL.**

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office Action:

A person shall be entitled to a patent unless -- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2-18 are rejected under 35 U.S.C. 102(b) as being anticipated by **Booth (WO 98/54682)**.

Consider **claims 13, 14, 17, and 18**, Booth clearly shows and discloses mobile station 162 (figure 36), a mobile radio network, and a method for determining movement data of the mobile station which is associated with the mobile radio network and in which, for a plurality of cell sites (base stations) (page 51 table 14) which are associated with the mobile radio network and which successively supply the mobile station as it moves, at least the location information which is associated with the cell sites (base stations) is stored at a map database 1102 (central station) or at the mobile station 162 when transmitted by the map database 1102 (central station) and the movement data is derived from a sequence of stored location information and transmitted to the mobile station 162 (page 4 lines 19-22, page 7 lines 25-28, page 8 lines 25-27, page 9 lines 18-

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28, page 15 lines 15-28, page 31 lines 15-22, page 34 line 4 - page 35 line 8, and page 43 lines 16-23).

Consider **claim 2**, and **as applied to claim 17 above**, Booth further shows and discloses that a cell site ID (code number of a radio cell) which is associated with a respective cell site (base station) s stored as location information (page 34 line 27 - page 35 line 8 and page 51 table 14).

Consider **claim 3**, and **as applied to claim 17 above**, Booth also shows and discloses that the geographic coordinates (X, Y) of a respective cell site (base station) are stored as location information (page 37 lines 10-16 and page 51 table 52).

Consider **claim 4**, and **as applied to claim 17 above**, Booth further discloses that the time at which the mobile station is supplied from a respective cell site (base station) from among the cell sites (base stations) is stored (page 15 lines 13-22).

Consider **claims 5 and 6**, and **as applied to claim 17 above**, Booth also discloses that a direction of movement of the mobile station is determined as movement data from the stored sequence of location information (page 31 lines 15-28 and page 35 lines 3-24).

Consider **claim 7**, and **as applied to claim 6 above**, Booth further discloses that the stored sequence of location information is used to determine coordinates of a road which constitute movement data (page 31 lines 15-28 and page 35 lines 3-24).

Consider **claims 8, 9, and 12**, and **as applied to claims 4 and 17 above**, Booth also shows and discloses that a velocity of the mobile station is determined as movement data (travel time calculation) from the stored sequence of location information and the times at which the mobile station has been supplied by the respective cell sites (base

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stations) where the location information, the times and the movement data are stored separately from the mobile station in the map database (memory) (figures 14-18 and pages 47-51 tables 4-10, 14, and 15) .

Consider **claims 10, 11, 15, and 16**, and as applied to **claims 14 and 17** above, Booth further discloses that the location information is stored in a memory of the mobile station and that the location information is transmitted to a service provider when necessary (page 43 lines 16-23).

Response to Arguments

3. Applicant's arguments with respect to claims 13, 14, 17, and 18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office Action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any response to this Office Action should be **faxed to (703) 872-9306 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Crystal Park II
2021 Crystal Drive
Arlington, VA 22202
Sixth Floor (Receptionist)

6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Rafael Perez-Gutierrez whose telephone number is (703) 308- 8996. The Examiner can normally be reached on Monday-Thursday from 6:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Marsha D. Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is (703)

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872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700 or call customer service at (703) 306-0377.


Rafael Perez-Gutierrez
R.P.G./rpg **RAFAEL PEREZ-GUTIERREZ**
PATENT EXAMINER

June 26, 2004